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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/788,890

02/26/2004

Jerome Fournier

979-055

4559

7590 07/03/2007
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EXAMINER

VARGOT, MATHIEU D

ART UNIT

PAPER NUMBER

1732

MAIL DATE

DELIVERY MODE

07/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/788,890

Applicant(s)

FOURNIER, JEROME

Examiner

Mathieu D. Vargot

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/11/04</u> . | 6) <input type="checkbox"/> Other: ____. |

1. Claims 3, 5-7 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In these claims, the "preferably..." clauses should be set forth in separate dependent claims. See the penultimate lines of claims 3, 5, 6 and 9.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over PCT Publication WO 02/101422 (see Fig. 1A) in view of PCT Publication WO 03/012500 (see page 19, line 17 through page 20, line 2).

The primary reference discloses the basic claimed method of fabricating a plastic optical fiber comprising the instant arrangement by forming a flow by simultaneously injecting a liquid (molten) first composition (5) that is (a precursor of) the cladding polymer into a first series of holes in an extrusion plate and a second composition (air or nitrogen-through inlet 6) into a second series of holes to form a cladding (4) containing a series of dispersed phases (3), PCT -422 essentially lacking the aspect of employing a UV curable resin precursor for the first composition and UV curing it to make the cladding. PCT -500 discloses making an optical fiber via extrusion methods wherein UV curable monomers and oligomers are extruded and then cured after exiting the die—see the above-noted passage. It certainly would have been obvious to one of ordinary skill in

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the art to employ UV curable resins as taught in PCT –500 in the method of PCT –422 to form a cladding with the desired UV curable material. Note that one of ordinary skill in this art would know of UV curable materials and would have been expected to pick and chooses whatever materials deemed useful based on their properties. PCT –500 would have enabled one of ordinary skill in the art to expand the field of choices for the optical fiber. The exact time of contact between the compositions would have depended on flow velocities and residence times in the plate and would have been an obvious parameter readily determined through routine experimentation. PCT –422 teaches instant claims 3 and 4 at page 8, lines 1-7. It is submitted that the limitations of instant claim 5 would have been obvious over the second holes shown in the primary reference, if not in fact an inherent property. Indeed, if someone wanted to use certain of the holes being disclosed therein for use with the second composition for a fourth composition, which in fact is the same as the second, it is respectfully submitted that such a recitation does not distinguish over PCT –422. The only way it would distinguish is if a different supply for the fourth composition is being set forth, which is not in the claims. At any rate, it is submitted that instant claim 5 differs from that shown in PCT –422 by merely a matter of semantics, and would clearly be obvious thereover. The gas used in the primary reference to form the disperse phase is allowed to escape, and hence instant claim 6 is met. It would have been obvious to one of ordinary skill in the art to fill any empty regions dependent on the exact optical –ie, light propagating— characteristics desired for the final optical fiber. The exact injection pressures and

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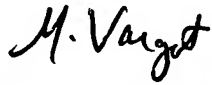
viscosities of the compositions would have been within the skill level of the art and parameters readily determined through routine experimentation.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on 571 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot
June 25, 2007


Mathieu D. Vargot
Primary Examiner
Art Unit 1732
6/25/07